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5 UNITED STATES DISTRICT COURT
6 SOUTHERN DISTRICT OF CALIFORNIA
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8 JAMES SCOTT,

9 Plaintiff,

10 v.

11 JANET A. NAPOLITANO,
12 SECRETARY, DEPARTMENT OF
13 HOMELAND SECURITY,

14 Defendant.

Case No. 08cv735 BTM(JMA)

**ORDER DENYING REQUEST
FOR COURT-APPOINTED
EXPERT**

15 Plaintiff has filed a request for the Court to appoint an expert in the field
16 of tax accounting so that the expert may advise the Court on the tax
17 consequences of a damage award in this case. Under Fed. R. Evid. 706, a
18 court may appoint an independent expert witness either on its own motion or
19 a party's motion. However, reasonably construed, Rule 706 is not meant to be
20 used to appoint an expert to aid one of the parties. See Rodriguez v. Tilton,
21 2013 WL 1402731, at * 5 (E.D. Cal. Apr. 5, 2013); Stakey v. Stander, 2011 WL
22 887563, at * 3 (D. Idaho March 10, 2011). If Plaintiff believes that tax
23 consequences have a bearing on the amount of damages that he should be
24 awarded, Plaintiff can retain a tax expert to assist him in his case. Therefore,
25 Plaintiff's request for a Court-appointed tax expert is **DENIED**.

26 **IT IS SO ORDERED.**

27 DATED: August 30, 2013

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BARRY TED MOSKOWITZ, Chief Judge
United States District Court